

IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: : CASE NO. 05-44481 (RDD)  
Delphi Corporation, et al. : Chapter 11  
: Judge Robert D. Drain

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MOTION FOR RELIEF FROM STAY

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Now comes the Debtor, Marilyn E. Dixon, by and through counsel and moves this Court for a relief from stay to proceed with her Adversary Case pending in the United States Bankruptcy Court, Southern District of Ohio, Western Division, Case No. 09-ap-03054, for determination of the dischargeability of debt pursuant to 11 U.S.C. §523 and 523 (a)(18) and Rule 7001 (6) of the Federal Rules of Bankruptcy Procedure.

Debtor, Marilyn E. Dixon filed a Chapter 7 Bankruptcy, Case No. 08-35230, on October 22, 2008. The Adversary filed against Fidelity Investments and Metropolitan is in regards to alleged overpayment of pension benefits. Debtor also allegedly owes Delphi Corporation for overpayment of retirement benefits.

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CERTIFICATE OF SERVICE OF 20 DAY NOTICE

NOTICE is hereby given that unless a responsive pleading is filed within 20 days from the date of this service, an order granting this motion may be issued by the Court without further notice or hearing as provided by L. B. R. 9013-1 (b). If a responsive pleading to this Motion is timely filed, then this matter shall be set for hearing before the Court.

A copy hereof was served by regular US Mail upon:

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Dated: \_ 5/21/09 \_\_\_\_\_

/s/Rebecca Barthelemy-Smith  
Rebecca Barthelemy-Smith

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